IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 517 OF 2006

Surendra Govind Pawar . .. Petitioner .

vs.

The Secretaru Nagrik

Sahayya Kendra & Ors. .. Respondents.

Mr. Mihir Desai for petitioner.

Ms. Mamta Sadh, AGP., for respondent nos.3 & 4.

Mr. A.Y. Sakhare i/by Anupama Shah

for R. Nos. 1 & 2.

CORAM : S.U. KAMDAR, J.

DATE : 6th March, 2006.

P.C.:

. The present petition is filed challenging the order passed by the Presiding Officer, School Tribunal, Bombay dated 23.11.2005. It is the case of the petitioner that the petitioner had submitted resignation on 20.3.2004 by force and he withdrew the same on 23.3.2004. The petitioner was a teacher in a school and was teaching in the drawing faculty. There are serious allegations against the petitioner that he misbehaved and touched private parts of the

girl students of the age group of 10 to 12 years. There are also allegations that he has shown vulgar photographs to them. Various students have filed complaints. Thus a meeting of the School Committee was called on 20.3.2004 for taking disciplinary action against the petitioner. However, the petitioner was not inclined to face the disciplinary enquiry and submitted resignation on 20.3.2004. The resignation was accepted and he was relieved from the service on the same day. It is his case that on 24.3.2004 that is after the acceptance of the resignation on 20.3.2004 he has withdrawn the said resignation and he is now seeking that enquiry should be conducted against him. He has contended that the resignation was obtained by force. In so far as the details of force are concerned, the only contention raised is that he was told that in view of serious allegations against him his reputation is likely to be affected and, therefore, under the said threat he has given his resignation.

2. I have perused the order passed by the School Tribunal. I have also perused the show cause dated 20.3.2004 issued by the School authority and acceptance of the resignation by letter dated 20.3.2004. I have also perused the complaint. I do not find any substance in the contention of the petitioner that his resignation was extracted by force. There is no sufficient evidence or material

produced in support of the contention that the resignation was accepted by the respondent by force. After giving resignation as a second thought the petitioner has withdrawn the resignation and now seeks an enquiry in respect of incidents which are of course serious in nature of 2004. In my opinion, no case whatsoever has been made out by the petitioner of any such forcible resignation obtained by the School authorities. The order passed by the School Tribunal holding that there is no force used for resignation of the petitioner is correct and does not require any interference in writ jurisdiction under Article 226 of the Constitution of India. In the aforesaid circumstances, petition fails and the same is dismissed. No order as to costs.